

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Vesta Strategies, LLC,

NO. C 07-06216 JW

Plaintiff,

**ORDER GRANTING McDERMOTT WILL  
& EMERY'S MOTION TO WITHDRAW  
AS COUNSEL OF RECORD**

v.

Robert E. Estupinian, et al.,

Defendants.

Presently before the Court is McDermott Will & Emery's Motion to Withdraw as Counsel of Record for Plaintiff/Counter Defendant Vesta Strategies LLC and Third Party Defendants John Terzakis, Single Site Solutions Corp., and B&B Sparco Properties, Inc. (See Docket Item No. 85.) Due to the Court's unavailability, the motion was noticed for a hearing on October 20, 2008. However, counsel has requested that the Court resolve this matter in an expedited fashion to avoid further prejudices to the parties. The Court finds the matter appropriate for submission without a hearing or a need for further briefing. See Civ. L.R. 7-1(b).

In a civil case, counsel may not withdraw from an action until relieved by order of the Court. See Civ. L. R. 11-5. Rule 3-700(C) of the California Rules of Professional Conduct provides that a lawyer may withdraw from representing a client where, among other things, (1) the client breaches an agreement with or obligation to the lawyer as to expenses or fees, or (2) other conduct renders it unreasonably difficult for the lawyer to carry out the employment effectively. Rule 3-700(C)(1)(d),

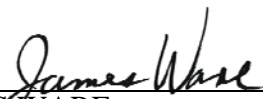
1 (f). This is because the attorney-client relationship in civil cases is usually an economic  
2 relationship.

3 Based on counsel's representations and the supporting declaration, the Court finds good  
4 cause to relieve McDermott Will & Emery LLP as counsel of record for Plaintiff/Counter Defendant  
5 Vesta Strategies LLC and Third Party Defendants John Terzakis, Single Site Solutions Corp., and  
6 B&B Sparco Properties, Inc.

7 McDermott Will & Emery shall remain as counsel of record for thirty (30) days for the  
8 purposes of receiving and providing legal documents until there is identification of substitute  
9 counsel. On or before **August 25, 2008**, Plaintiff/Counter Defendant Vesta Strategies LLC and  
10 Third Party Defendants John Terzakis, Single Site Solutions Corp., and B&B Sparco Properties, Inc.  
11 shall file a Notice of Intent to Self-Represent or Notice of Identification of Substitute Counsel (for  
12 the corporate entities).

13 McDermott Will & Emery shall send a copy of this Order to all relevant parties and file the  
14 necessary certificate of service. In light of this Order, the Court VACATES the hearing for this  
15 motion currently set for October 20, 2008.

16  
17 Dated: July 25, 2008

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: July 25, 2008**

**Richard W. Wieking, Clerk**

**By: /s/ JW Chambers**

**Elizabeth Garcia  
Courtroom Deputy**